

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ASHBY HENDERSON and THOMAS
HERSHENSON, Individually and on Behalf of All
Others Similarly Situated,

Plaintiffs

v.

BNY MELLON, NATIONAL ASSOCIATION,

Defendant.

CIVIL ACTION
NO. 15-10599-PBS

**MOTION OF DEFENDANT BNY MELLON, N.A.
TO CONTINUE TRIAL DATE AND FOR A
TRIAL MANAGEMENT CONFERENCE**

Defendant BNY Mellon, N.A. ("BNY Mellon") respectfully moves that the Court (i) continue the currently scheduled trial date for a short (ninety day) period and (ii) schedule a conference to address certain trial management issues. As grounds for its motion, BNY Mellon states as follows:

1. This class action currently is scheduled for a bench trial commencing on March 11, 2019. The trial date was set on November 23, 2018 (Dkt. No. 489). On January 14, 2019, plaintiffs withdrew their request for a jury trial (Dkt. No. 504). By order dated January 18, 2019, this Court established dates regulating various trial events, including submission of briefs, motions, exhibits, and the like, with many deadlines set for February 19, 2019.

2. Until Friday, January 18, 2019, BNY Mellon expected Mary J. Hackett of McGuireWoods LLP ("McGuireWoods") to serve as its lead, first-chair trial counsel, a position she had held since this case was filed in 2015. *See* Declaration of Judd S. Henry, Esq. at ¶ 8 (filed herewith).

3. During the afternoon of January 18, BNY Mellon was informed for the first time that Attorney Hackett would not serve as lead trial counsel for BNY Mellon in this case, which

1/29/19
Denied without prejudice.
US v. C.R. 83, S. 2 (c) (1) (B) an attorney
must receive leave of court to withdraw if a
substitute has been set. Counsel did not follow this
local rule. Jan B. Jano